

MINUTE ITEM

Ties Calendar Item No. 67
was approved by the Board
No. 7 of the Board of Lands
Commission on 3
to 0 at its 12/15/76
meeting.

CALENDAR ITEM

C7.

12/76
R 20143
GRH
PRC 5211

NONCOMMERCIAL LEASE

APPLICANT: Millbrae Highlands Company, a co-partnership
147 Bon Air Center
Greenbrae, California 94904

AREA, TYPE LAND AND LOCATION: An 0.035-acre parcel of tide and submerged
land in the bed of Corte Madera Creek, at
Larkspur, Marin County.

LAND USE: Construction and maintenance of one floating
dock and ramp.

TERMS OF PROPOSED LEASE: 10-years, from October 1, 1974.

Renewal options: 2 additional periods of 5
years each.

Surety bond: \$3,000.

Public liability insurance: \$300,000/\$600,000
for personal injury and \$50,000
for property damage.

CONSIDERATION: \$247.13 per annum, with the State reserving
the right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION: .6% of appraised value of land.

PREREQUISITE TERMS: Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:
L. An Environmental Impact Report is not re-
quired. This transaction is within the
purview of 2 Cal. Adm. Code 2907, Class 3(a),
which exempts new construction of small
structures such as a floating dock, restricted
to noncommercial or recreational use, that
will occupy no more than 3,000 square feet
of tide and submerged land, including the
area of use.

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2. In early 1974, staff of the Division negotiated an agreement with the applicant which was to be presented to the Commission for action in mid-1974. The rental terms at that time were 6% of the appraised value of the site.

The transaction was never presented to the Commission because staff was negotiating with the City of Larkspur in hopes of having the City prepare a comprehensive EIR on the development of recreational facilities along Corte Madera Creek.

Development along Corte Madera Creek is still being investigated; however, the issue is generally moot, since most of the proposed construction has already taken place.

Inasmuch as the applicant has been very cooperative and has not yet constructed its facilities, Division staff recommends that the rental agreed to in 1974 at the 6% rate be authorized. The agreement contains a rental review provision which will allow the Commission to review and reset the annual rent in 1979.

3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, class "C": Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON THE CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE ISSUANCE TO MELLBRAE HIGHLANDS COMPANY, A CO-PARTNERSHIP, OF A 10-YEAR NONCOMMERCIAL LEASE FROM

CALENDAR ITEM NO. C7. (CONT'D)

OCTOBER 1, 1974; WITH LESSEE'S OPTION TO RENEW FOR 2
ADDITIONAL PERIODS OF 5-YEARS EACH; IN CONSIDERATION OF
ANNUAL RENT IN THE AMOUNT OF \$247.13, WITH THE STATE
RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH
FIFTH ANNIVERSARY OF THE LEASE; THE PROVISION OF \$3,000
SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN
AMOUNTS OF \$300,000/\$600,000 FOR PERSONAL INJURY AND
\$50,000 FOR PROPERTY DAMAGE; FOR THE CONSTRUCTION AND
MAINTENANCE OF A FLOATING DOCK AND RAMP ON THE LAND
DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE
A PART HEREOF.

4. THE ABOVE AUTHORIZATIONS ARE CONTINGENT UPON THE APPLICANT
RECEIVING APPROPRIATE PERMITS, INCLUDING SAN FRANCISCO
BAY CONSERVATION AND DEVELOPMENT COMMISSION AUTHORIZATION.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20143

All that real property situated in the State of California, County of Marin, City of Lakeside, more particularly described as follows:

BEGINNING at a point in the northerly boundary line of Corte Madera Canal as described in Superior Court Case #14851 Marin County and the southerly boundary line of Lot 305, as said lot is shown on that certain map entitled, "MAP OF PORT AIR SUB. NO. EIGHT AND RESUBDIVISION OF LOTS 200 AND 201 BEN AIR SUB. NO. SEVEN, LAKESIDE, MARIN COUNTY, CALIF.", which map was filed in the office of the County Recorder of the County of Marin, State of California on July 9, 1969, in Volume 14 of Maps at page 56, which point bears South 84° 59' 20" East 1,914 feet from the southwesterly corner of said Lot 301; thence from said point of beginning, South 12° 30' West 8,685 feet, South 77° 30' East 100.00 feet, North 12° 30' East 21.832 feet to said northerly boundary line of Corte Madera Canal and the southerly boundary line of Lot 306, as said lot is shown on said, "MAP OF PORT AIR SUB. NO. EIGHT"; thence along said boundary line of Corte Madera Canal and the southerly boundary line of said Lot 305 and 306 North 84° 59' 20" West 100.00 feet to the point of beginning.

The Meridian used in the above description is that of the California Coordinate System Zone 3. The distances are ground distances.

END OF DESCRIPTION

Prepared by [Signature] Checked [Signature]
Reviewed [Signature] Date 7/17/71

